

AMENDED IN ASSEMBLY MAY 1, 2008

AMENDED IN ASSEMBLY APRIL 10, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 1814**

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**Introduced by Assembly Members DeVore and Cook**  
**(Coauthors: Assembly Members Galgiani, Huff, Maze,**  
**Sharon Runner, and Silva)**  
**(Coauthor: Senator Hollingsworth)**

January 17, 2008

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An act to amend Section 699.5 of, and to add Section 699.6 to, the Military and Veterans Code, relating to veterans.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1814, as amended, DeVore. Veterans: claims.

Existing law authorizes the Department of Veterans Affairs to assist every veteran of the United States and the dependent or survivor of every veteran in presenting and pursuing various claims against the United States arising out of war service, and in establishing any rights under the laws of the United States or this state. Existing law authorizes the department to cooperate and, with the approval of the Department of Finance, to contract with any veteran service organization, as defined, to pursue claims before federal agencies, and, pursuant to the contract, the department is authorized to compensate any veteran service organization for services rendered by it to any veteran or dependent or survivor of a veteran.

The bill would authorize the department to compensate any veteran service organization for services rendered that provide for the development of outreach programs for any veteran or dependent or

survivor of a veteran that enhance their opportunity to present and pursue claims. The bill would also require any veteran service organization that enters into a contract with the department to annually prepare and submit to the department a report containing specified information regarding veteran benefit payments.

Existing law prohibits a contract from being made unless the department determines that certain conditions exist, including that the best interest of the veterans, dependents, or survivors involved will be served.

This bill would delete this prohibition.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 699.5 of the Military and Veterans Code  
2 is amended to read:

3     699.5. (a) The department may assist every veteran of the  
4 United States and the dependent or survivor of every veteran of  
5 the United States in presenting and pursuing the claim as the  
6 veteran, dependent, or survivor may have against the United States  
7 arising out of war service and in establishing the veteran's,  
8 dependent's, or survivor's right to any privilege, preference, care,  
9 or compensation provided for by the laws of the United States or  
10 of this state. The department may cooperate and, with the approval  
11 of the Department of Finance, contract with any veterans service  
12 organization, and pursuant to the contract may compensate the  
13 organization for services that support the functions of the  
14 department within the scope of this section, are rendered by it to  
15 any veteran or dependent or survivor of a veteran, and that provide  
16 for the development of outreach programs for any veteran or  
17 dependent or survivor of a veteran that enhance their opportunity  
18 to present and pursue claims.

19     (b) (1) The Legislature finds and declares that services provided  
20 by veteran service organizations are essential to the department's  
21 responsibilities to assist veterans and their dependents and survivors  
22 in presenting and pursuing claims against the United States, and  
23 that it is an efficient and reasonable use of state funds to provide  
24 compensation to veterans service organizations for these services.

(2) *The Legislature further finds and declares that no more than two hundred fifty thousand dollars (\$250,000) may be used to contract with veterans service organizations, pursuant to the provisions contained in this section, until an increase in the annual budget for county veterans service officers, as described in paragraph (2) of subdivision (d) of Section 972.1, has been achieved. This subdivision may not be construed to preclude the use of federal funding in implementing the provisions of this section.*

(c) Veterans service organizations, that elect to contract with the department in accordance with this section, shall document the claims processed each year by the veterans service officers employed by the veterans service organization at offices located in California. The documentation shall be in accordance with procedures established by the department.

(d) The department shall determine annually the amount of monetary benefits paid to eligible veterans and their dependents and survivors in the state as a result of the work of the veterans service officers of the contracting organizations. Beginning on January 1, 2006, the department shall, on or before January 1 of each year, prepare and transmit its determination for the preceding fiscal year to the Department of Finance and the Legislature. The department shall also identify federal sources to support the efforts of veterans service organizations pursuant to this section. The Department of Finance shall review the department's determination in time to use the information in the annual Budget Act for the budget of the department for the next fiscal year.

(e) For the purposes of this section:

(1) "Survivor" means any relation of a deceased veteran who may be entitled to make a claim for any privilege, preference, care, or compensation under the laws of the United States or this state based upon the veteran's war service.

(2) "Veterans service officer" means an individual employed by a veterans service organization and accredited by the United States Department of Veterans Affairs to process and adjudicate claims and other benefits for veterans and their dependents and survivors.

(3) "Veterans service organization" means an organization that meets all of the following criteria:

(A) Is formed by and for United States military veterans.

1 (B) Is chartered by the United States Congress.

2 (C) Has regularly maintained an established committee or  
3 agency in a regional office of the United States Department of  
4 Veterans Affairs in California rendering services to veterans and  
5 their dependents and survivors.

6 SEC. 2. Section 699.6 is added to the Military and Veterans  
7 Code, to read:

8 699.6. (a) Any veteran service organization that enters into a  
9 contract with the department, pursuant to Section 699.5, shall  
10 prepare and submit an annual report to the department. The report  
11 shall include, but not be limited to, all of the following:

12 (1) The number of monthly federal benefit payments obtained  
13 on behalf of veterans.

14 (2) The total value of those monthly benefit payments.

15 (3) The average value of those monthly benefit payments.

16 (4) The number of one-time benefit payments obtained,  
17 including both single-payment benefits and retroactive payments.

18 (5) The total value of one-time benefit payments obtained.

19 (6) The average value of these one-time benefit payments  
20 obtained.

21 (b) The information required to be included in paragraphs (1)  
22 to (6), inclusive, of subdivision (a) may be compiled by the  
23 department for each veteran service organization thereby providing  
24 a statewide total.

25 (c) The department shall transmit a copy of all reports submitted  
26 pursuant to subdivision (a), at the same time the department  
27 transmits the report required pursuant to Section 974, to the  
28 Department of Finance, the State Department of Health Care  
29 Services, the California Veterans Board, and to each Member of  
30 the Legislature.

31 (d) For purposes of this section, “veteran service organization”  
32 means veteran service organization as defined in Section 699.5.